

Memorandum

To: CHAIR AND COMMISSIONERS

CTC meeting: June 26, 2003

Reference No.: 4.12
Information Item

From: ROBERT L. GARCIA
Chief Financial Officer

Prepared by: Ross Chittenden
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Traffic Congestion Relief Program

Ref: **PENDING LETTERS OF NO PREJUDICE FOR TRAFFIC CONGESTION RELIEF (TCR) PROGRAM**

BACKGROUND:

At the December 2002 meeting, the California Transportation Commission (Commission) took action to defer approval of any additional Traffic Congestion Relief Program (TCRP) applications and allocations due to the continuing economic challenges faced by the State. The Governor signed Executive Order D-49-01, BL 02-21, directing all State agencies and departments to reduce expenditures in order to achieve General Fund savings wherever possible. The Governor's Budget May Revision proposes a partial suspension of the General Fund transfer to the TIF. The \$207 million will be transferred to the TIF, then to the TCRF, to reimburse eligible project costs for those projects with an existing allocation. The budget proposal does not include additional funding needed to make new allocation of funds from the TCRF.

Assembly Bill 1355 (Cohn, Statutes of 2001), added Section 14556.33 to the Government Code. AB 1335 allow a regional or local entity that is a lead applicant agency, as defined in Government Code Section 14556.40, to apply to the Commission for a letter of no prejudice (LONP) for the project. If approved by the Commission, the LONP allows the regional or local entity to expend its own funds for any component of the transportation project and seek an allocation and reimbursement from the Traffic Congestion Relief Fund (TCRF) if and when funds become available. AB 1335 states that the Commission may adopt guidelines to implement this section.

The draft Letter of No Prejudice Guidelines for TCRP projects will be reviewed under Reference No 4.11 of the Commission's June 2003 agenda. Regional agencies and interested parties are being asked to comment on these guidelines. Commission staff currently plans to have the Guidelines noticed at the June Commission meeting and adopted at the August Commission meeting. If consensus is reached at the June 2003 meeting, the Commission could act sooner on the LONP Guidelines.

The following list of 13 TCRP Projects identifies those Applicant agencies that have submitted requests for a Letter of No Prejudice (LONP) as of June 8, 2003. Recommendation of future approval of these pending LONP is contingent upon review of the LONP request against the approved Letter of No Prejudice Guidelines. It is expected that some or all of the LONP requests will need to be re-submitted with additional information based on the discussion of the draft LONP Guidelines under Reference No 4.11 of the Commission's June 2003 agenda.

The following list identifies those TCRP projects where the Applicant Agencies have submitted a LONP request with a specified dollar amount or phase of work stated in the request. The four TCRP projects, totaling \$83,450,000, are as follows:

- \$980,000 – Project #27.3, Phase 4 for Vasco Road Safety and Transit Enhancement Project in Alameda and Contra Costa Counties – Valley Center ACE Parking Structure
Submitted by: Alameda County Congestion Management Agency
(Concurrent item under Reference No. 2.1c.(1))
- \$80,000,000 – Project #79, Phase 4 (approved) for North County Light Rail; build new 20-mile light rail line for Oceanside to Escondido in San Diego County.
Submitted by: NCTD
- \$590,000 – Project #123, Phase 4 (approved) for Oceanside Transit Center; parking structure.
Submitted by: City of Oceanside
- \$1,880,000 – Project #141, Phases 2, 3, and 4 (approved) for Union City; pedestrian bridge over Union Pacific rail lines.
Submitted by: City of Union City

The following list identifies nine TCRP projects where Applicant Agencies have submitted requests for LONP without a specified dollar amount or phase of work stated in the request. These agencies will need to provide additional information should the Commission approve LONP guidelines.

- Project #1.1 – BART to San Jose; extend BART from Fremont to Downtown San Jose in Santa Clara and Alameda Counties - Fremont To Warm Springs
Submitted by: San Francisco Bay Area Rapid Transit District (BART)
- Project #1.2 – BART to San Jose; extend BART from Fremont to Downtown San Jose in Santa Clara and Alameda Counties -- Warm springs to Downtown San Jose Extension.
Submitted by: Santa Clara Valley Transportation Authority (VTA)

- Project #7.1 – CalTrain; expand service to Gilroy; improve parking, stations, and platforms along UPRR line in Santa Clara County
Submitted by VTA
- Project #12.1 - Bay Area Transit Connectivity; complete studies of, and fund related improvements for, the I-580 Livermore Corridor; the Hercules Rail Station and related improvements, West Contra Costa County and Route 4 Corridors in Alameda and Contra Costa Counties
Submitted by: BART
- Project #22 – Route 101; environmental study for reconstruction of Doyle Drive, from Lombard St./Richardson Avenue to Route 1 Interchange in City and County of San Francisco.
Submitted by: San Francisco County Transportation Authority
- Project #33 – Bus Transit; acquire low-emission buses for Los Angeles County MTA bus transit service
Submitted by: Los Angeles County Metropolitan Transportation Authority (LACMTA)
- Project #36 – Los Angeles Eastside Transit Extension; build new light rail line in East Los Angeles, from Union Station to Atlantic via 1st Street to Lorena in Los Angeles County
Submitted by: LACMTA
- Project #38.1 – Los Angeles-San Fernando Valley Transit Extension; build an East-West Bus Rapid Transit system in the Burbank-Chandler corridor, from North Hollywood to Warner Center
Submitted by: LACMTA
- Project #156 -- Seismic retrofit and core segment improvements for the Bay Area Rapid Transit system.
Submitted by: BART